

Mail Stop Interference
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Paper 1
Filed: February 7, 2011

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

GARY S. ROUBIN, GEOFFREY HAMILTON WHITE,
SRIRAM S. IYER, RUSSELL J. REDMOND, and CLAUDE A. VIDAL
Junior Party
(Patent Nos. 5,827,321, 6,475,236 and 6,106,548)

v.

PAUL H. BURMEISTER, CHARLES L. EUTENEUER,
BRIAN J. BROWN, PAUL J. FORDENBACHER, and
ANTHONY C. VRBA
Senior Party
(Application 09/427,291)

Patent Interference No. 105,794 (JL)
(Technology Center 3700)

DECLARATION – Bd.R. 203(b)¹

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part A. Declaration of interference

2 An interference is declared (35 U.S.C. § 135(a)) between the above-
3 identified parties. Details of the application(s), patent (if any), reissue application
4 (if any), count(s) and claims designated as corresponding or as not corresponding
5 to the count(s) appear in Parts E and F of this DECLARATION.

6 Part B. Judge managing the interference

7 Administrative Patent Judge Jameson Lee has been designated to manage
8 the interference. Bd. R. 104(a).

9 Part C. Standing order

10 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
11 DECLARATION. The STANDING ORDER applies to this interference.

12 Part D. Initial conference call

13 A telephone conference call to discuss the interference is set for 2:00 p.m.
14 (Eastern) on April 5, 2011 (the Board will initiate the call).

15 No later than four business days prior to the conference call, each party
16 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd.
17 R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

18 A sample schedule for taking action during the motion phase appears as
19 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
20 schedule prior to the conference call and to agree on dates for taking action. A
21 typical motion period lasts approximately eight (8) months. Counsel should be
22 prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3
4 Named Inventors: Gary S. Roubin, Birmingham, Alabama
5 Geoffrey Hamilton White, Sydney, Australia
6 Sriram S. Iyer, Birmingham, Alabama
7 Russell J. Redmond, Goleta, California
8 Claude A. Vidal, Santa Barbara, California
9

10 Involved Patents: U.S. Patent No. 5,827,321, issued October 27,
11 1998; U.S. Patent No. 6,475,236, issued
12 November 5, 2002; and U.S. Patent No.
13 6,106,548, issued August 22, 2000

14 Title: NON-FORESHORTENING INTRALUMINAL
15 PROSTHEISIS
16

17 Assignee: ENDOSYSTEMS, LLC
18

19 Senior Party

20 Named Inventors: Paul H. Burmeister, Maple Grove, Minnesota
21 Charles L. Euteneuer, St. Michael, Minnesota
22 Brian J. Brown, Hanover, Minnesota
23 Paul J. Fordenbacher, Minneapolis, Minnesota
24 Anthony C. Vrba, Maple Grove, Minnesota
25

26 Involved Application: Application No. 09/427,291, filed October 26,
27 1999
28

29 Title: IMPROVED TISSUE SUPPORTING DEVICES
30

31 Assignee: BOSTON SCIENTIFIC SCIMED, INC.
32

1 The senior party is assigned exhibit numbers 1001-1999. The junior party
2 is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The
3 senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

4 Part F. Count and claims of the parties

5 Count 1

6 Claim 1 of Roubin's Patent No. 5,827,321

7 or

8 Claim 22 of Burmeister's Application No. 09/427,291

9 The claims of the parties are:

10 Roubin '321: 1- 54

11 Roubin '236: 1-25

12 Roubin '548: 1-12

13 Burmeister: 22-32 and 34

14 The claims of the parties which correspond to Count 1 are:

15 Roubin '321: 1- 54

16 Roubin '236: 1-25

17 Roubin '548: 1-12

18 Burmeister: 22 -32 and 34

19 The claims of the parties which do not correspond to Count 1, and therefore
20 are not involved in the interference, are:

21 Roubin '321: none

22 Roubin '236: none

23 Roubin '548; none

24 Burmeister: none

1 The parties are accorded the following benefit for the Count:

2 Roubin: Patent No. 5,827,321, based on Application No.
3 08/797,814, filed February 7, 1997; and
4 Patent No. 6,106,548, based on Application No.
5 09/179,021, filed October 26, 1998

6

7 Burmeister: Application No. 08/737,492, filed March 19,
8 1997, now Patent No. 6,582,461;
9 PCT/US95/06228, filed May 18, 1995;
10 08/246,320, filed May 19, 1994

1 Part G. Heading to be used on papers

2

3 The following heading must be used on all papers filed in this interference,
4 see SO ¶ 106.1.1:

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Part H. Order form for requesting file copies

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Jameson Lee/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Copy U.S. Patent Nos. 5,827,321, 6,475,236, and 6,106,548

Copy of claims of Application 09/427,291

Revised 3 January 2006

1 cc (via overnight delivery):

2

3 Attorney for Roubin:

4

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7 TUSTIN CA 92782

8

9 Attorney for Burmeister:

10

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